

States of Guernsey



EMPLOYMENT & DISCRIMINATION TRIBUNAL

APPLICANT: Ms Janice Carre

RESPONDENT: Ms T M Cherry trading as Caring Companions Home Care

Tribunal Members: Mrs Caroline Latham (Chairman)
Mr George Jennings
Mr Norson Harris

Decision of the Tribunal on 23 April 2014

1. The above claim was remitted back to the Employment Tribunal Service on 20 January 2014, by the conciliation service, following a failure to resolve the matter through the conciliation process, in order that a hearing be arranged
2. Following referral, the Secretary to the Employment and Discrimination Tribunal made repeated attempts to contact the Applicant by telephone and in writing, in order to progress her claim. Telephone calls were not answered by the Applicant and a letter sent to her by post was returned to the Employment Tribunal Service marked 'no longer at this address'. Further unsuccessful attempts were made to contact the Applicant on her mobile telephone. On 4 February 2014 the Applicant left a message with the Employment Tribunal Service requesting that it correspond with her by electronic mail. Subsequent emails sent to the Applicant at the address provided were also returned as 'undelivered'. On 11 March 2014 contact was made with the Applicant by telephone when she provided the Employment Tribunal Service with her new address and correct email address.
3. In consultation with the Applicant, arrangements were made for her to attend a Case Management Meeting on 19 March 2014. The date and time of this meeting, which was confirmed in writing by the Employment Tribunal Service in a letter dated 13 March 2014, were specifically chosen to suit Ms Carre. The Applicant failed to attend the meeting. Following the Secretary to the Employment Tribunal Service having made attempts to contact the Applicant by telephone, the Case Management Meeting proceeded in her absence. The Orders resulting from the meeting were sent by post to the Applicant on 19 March 2014.
4. In a separate letter dated 19 March 2014 from the Employment Tribunal Service, the Applicant was requested to make contact with the Secretary to the Tribunal within 14 days of the date of the letter and advised that failure to maintain contact with the Employment Tribunal Service may result in a Tribunal refusing to hear the claim.
5. No response was received from the Applicant; therefore the matter was referred to a Tribunal for consideration.

6. A Tribunal was convened on 23 April 2014 to determine whether the case could be dismissed under the provisions of Guernsey employment law.
7. The Tribunal reviewed the correspondence between the Secretary of the Employment Tribunal Service and the Applicant. In considering the powers available to them, the Tribunal had regard to:

Section 19(3)(a) of the Employment Protection (Guernsey) Law, 1998, as amended, states that: "The Tribunal may refuse to hear and determine a complaint ...

(a) In default of compliance by the complainant or applicant with any provision of, or any requirement imposed under, section 18(1) or (2)".

Section 18(2) states: "At any time after the receipt of a complaint under section 16(1) ... the Secretary may require the complainant or applicant to furnish such additional information and documents verified in such a manner, as the Secretary thinks fit".

8. The Tribunal, having considered all of the information provided to them and specifically the correspondence between the Employment Tribunal Service and the Applicant, concluded that the Applicant had not made sufficient attempts to prosecute her claim against the Respondent. Further, the Applicant had failed to acknowledge or respond to correspondence issued by the Secretary to the Employment and Discrimination Tribunal and had failed to follow directions.
9. Taking into account the information noted above and in accordance with the Law the Tribunal has refused to hear this complaint.

Mrs Caroline Latham
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Signature of the Chairman

8 May 2014
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Date

Any Notice of an Appeal should be sent to the Secretary to the Tribunal within a period of one month beginning on the date of this written decision.

The detailed reasons for the Tribunal's Decision are available on application to the Secretary to the Tribunal, Commerce and Employment, Raymond Falla House, PO Box 459, Longue Rue, St Martins, Guernsey, GY1 6AF.